

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

DAVID WAGNER,

Defendant.

**ORDER**

19 Cr. 437 (AKH)

DAVID WAGNER,

Petitioner.

22 Civ. 360 (AKH)

-against-

UNITED STATES OF AMERICA,

Respondent.

X

Alvin K. Hellerstein, U.S.D.J.:

On August 29, 2022 Petitioner filed a motion to styled as motion for default judgment. *See* 22 Civ. 360, ECF No. 22; 19 Cr. 437, ECF No. 176. Petitioner argues he is entitled to judgment in favor because the Government did not timely reply to his habeas motion. However, the Government's response was filed before the deadline on August 11, 2022. *See* 19 Cr. 437, ECF No. 174. Accordingly, Petitioner's motion for default judgment is denied. Petitioner should make note that filings related to his habeas petition are to be made in in the original criminal case numbered 19 Cr. 437.

The Clerk shall send a copy of this order, along with 19 Cr. 437 ECF No. 174, to Petitioner. The Clerk shall terminate ECF No. 176 in 19 Cr. 437 and ECF No. 22 in 22 Civ. 360.

SO ORDERED.

Dated: August 31, 2022  
New York, New York

/s/ Alvin K. Hellerstein  
ALVIN K. HELLERSTEIN  
United States District Judge